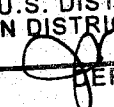


**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS,
SAN ANTONIO DIVISION**

FILED

AUG 29 2013

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

MISSION PHARMACAL COMPANY,
Plaintiff,

v.

PURETEK CORPORATION,
Defendant.

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Cause No. 5:12-CV-00920-OLG

ORDER

Currently pending in this case are several procedural motions which the Court now considers in turn. First, the parties filed two separate joint motions for extension of time to serve and file their respective designations of testifying expert witnesses (docket nos. 20 & 25). Those motions are GRANTED and designations served and filed prior to this order shall be considered timely served and filed.

Second, Plaintiff filed a motion for leave to amend its complaint (docket no. 28) to include a claim for willfulness. Federal Rule of Civil Procedure 15 requires that this Court should freely give leave to amend where there is good cause unless a party can show prejudice, bad faith, or undue delay. Fed. R. Civ. P. 15(a)(2). Having reviewed the motion, Defendant's response thereto, and the Plaintiff's reply, the Court finds that good cause exists to permit the amendment, and that Defendant has failed to show sufficient prejudice, bad faith, or undue delay that would be caused by granting the amendment. Accordingly, Plaintiff's motion (docket no. 28) is GRANTED. The Clerk of the Court shall file Plaintiff's Amended Complaint (filed as attachment #5/"Exhibit E" to the motion) with the papers of this case and it shall be considered the live complaint.

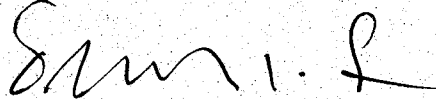
Third, the parties have filed documents relating to their competing motions for summary judgment which they have moved to file under seal (docket nos. 34, 35, & 37). Each of the parties' respective motions to file under seal are GRANTED.

Finally, the parties have filed a joint motion to extend deadlines to submit replies in support of their respective motions for summary judgment (docket no. 42). The motion is well taken and should be GRANTED such that the scheduling order is hereby amended as follows:

1. the parties will file their replies in support of their respective motions for summary judgment by **Monday, September 23, 2013**; and
2. the pretrial conference and trial settings in this case (currently set for October 25, 2013 and November 7, 2013, respectively) are hereby VACATED and will be re-set by the Court following resolution of the pending motions for summary judgment.

IT IS SO ORDERED.

SIGNED this 29 day of August, 2013.


United States District Judge Orlando L. Garcia